

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ASUS COMPUTER INTERNATIONAL, et
al.

Case No. [15-cv-01716-BLF](#)

Plaintiffs,

V.

INTERDIGITAL, INC., et al.,

Defendants

**ORDER RE: ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED**

On June 11, 2015, Interdigital Technology Corporation filed an administrative motion to consider whether Case No. 5:15-cv-02584-LHK, *Interdigital Technology Corp. et al. v. Pegatron Corp. (Pegatron II)*, was related to either Case No. 5:13-mc-80087-EJD, *Interdigital Technology Corp. v. Pegatron Corp. (Pegatron I)* or the above-captioned case.

On June 15, 2015, Judge Edward J. Davila found that *Pegatron II* was not related to *Pegatron I*. Thereafter, Judge Lucy H. Koh referred *Pegatron II* to the undersigned to determine whether it was related to the above-captioned action. Plaintiffs filed a notice arguing that the cases are not related. *See* ECF 24.

Civil Local Rule 3-12 governs the relation of cases. Cases are related when they “concern substantially the same parties, property, transaction, or event; and [i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Civil L.R. 3-12(a)(1)-(2).

Interdigital argues that the cases are related because (1) both actions concern disputes over “nearly identical” licensing agreements, (2) Pegatron was, when the licensing agreements were signed, a subsidiary of ASUSTeK Computer, Inc., one of the Plaintiffs in this action, and (3) the two actions involve “substantial overlapping issues.” *See* Mot. at 1. Plaintiffs argue in response

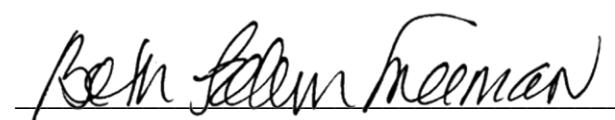
1 that Interdigital failed to show either element of Local Rule 3-12 because there are a “multitude of
2 case-specific facts and issues” that render the cases factually and legally dissimilar. *See Response*
3 at 3-4.

4 The Court has carefully reviewed the record in both cases and agrees with Plaintiffs that
5 these cases are not related under Rule 3-12. There are, undoubtedly, some similarities between the
6 suits: Interdigital is a party to both suits, both ASUS and Pegatron have licensing agreements with
7 Interdigital that were allegedly violated, and Interdigital alleges that these licensing agreements
8 include an enforceable arbitration provision. But this action includes claims brought by ASUS et
9 al. alleging antitrust and unfair competition claims, as well as fraudulent inducement, alongside
10 several breach of contract claims, while *Pegatron II* is a case brought by Interdigital seeking,
11 among other relief, a permanent anti-suit injunction against Pegatron regarding a lawsuit brought
12 in Taiwanese courts. Though Interdigital moves to compel arbitration in both cases, the cases
13 ultimately involve different parties, different licensing agreements, and different claims. Further,
14 *Pegatron II* involves issues raised by the parallel Taiwanese suit that are not present in this action.
15 The Court finds that the cases can proceed before different judges without being unduly
16 burdensome because there are myriad case-specific facts and issues that do not overlap, even if the
17 cases both involve similar licensing agreements, and that it is unlikely that there would be
18 conflicting results were the cases to be tried before different judges. *See ESS Tech., Inc. v. PC-Tel,*
19 *Inc.*, 2001 WL 1891713, at *3-4 (N.D. Cal. Nov. 28, 2001) (denying a motion to reconsider
20 whether cases were related, and affirming its prior decision finding the cases not related despite
21 the cases sharing “a common issue regarding the reasonableness of a license proposal”).

22 For the foregoing reasons, the Court finds that Case No. 5:15-cv-02584-LHK is not related
23 to this action, and DENIES the administrative motion.

24 **IT IS SO ORDERED.**

25 Dated: June 15, 2015


26 BETH LABSON FREEMAN
27 United States District Judge